

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

April 29, 1999

SUBJECT: Variance V 3-4-99

APPLICANT: Lori Parrish, petitioner/owner

ADDRESS/LOCATION: 2701 SW 141 Terrace/Generally located within the Sequoia Estates Subdivision

LAND USE PLAN/ZONING: Residential (1 du/ac) / A-1

REQUEST: **From:** Section 12-33(A)(9)(a) which limits the size of guest houses to a maximum area of 400 square feet;
 To: Increase the maximum area for a guest house from 400 square feet to 967.2 square feet.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is approximately 1 acre in area and contains a single family residence with a screened porch, metal shed, and free-standing garage. The site is bound by similarly developed single family homes zoned R-1 to the north, south, and east. To the west, across a canal and SW 142nd Avenue, is vacant land zoned A-1.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made a part hereof.

The applicant proposes to renovate an existing 967 square foot freestanding garage, located at the rear of the house, for use as a guest cottage. The applicant also requests consideration to allow kitchen or laundry facilities.

A guest cottage, as defined by Code, is a dwelling unit, in a building separate from the principle residential structure, intended for intermittent or temporary occupancy by non-paying guests. Town Code Section 12-33 (A)(9)(a) further states that the size of the structure is limited to a maximum area of 400 square feet and shall not contain, or be designed to contain, any food storage, processing, handling, or preparation areas. Washing machines and clothes dryers are also prohibited. The limited square footage is intended to provide sufficient area for a bedroom, bathroom, and sitting area. The prohibition of food preparation areas and laundry facilities is intended to discourage long-term occupancy.

There are no special circumstances associated with the subject property that do not generally apply to properties in the same district, therefore, the granting of the variance would be inconsistent with the intent of the Code to provide for temporary intermittent occupancy.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **DENIAL** of the requested variance to increase the maximum area for a guest house from 400 square feet to 967.2 square feet.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **DENIAL** (5-0), April 14, 1999.

EXISTING ZONING: A-1
CODE SECTION: 12-33
PROPOSED ZONING: A-1
CODE SECTION: 12-33
LAND USE DESIGNATION: Agriculture
FOLIO NUMBER 0022-03-0220

TOWN OF DAVIE USE ONLY	
PETITION NO.	V3-4-99
FEE.	\$ 400
RECEIPT NO.	7467

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: March 10, 1999 PHONE: 236-5537
PETITIONER: Lori Parrish
MAILING ADDRESS: 2701 SW 141st Terrace, Davie, FL 33330-1169
RELATIONSHIP TO PROPERTY: Owner
OWNER: Lori Parrish
MAILING ADDRESS: 2701 SW 141st Terrace, Davie, FL 33330-1169
ADDRESS OF PROPERTY: 2701 SW 141st Terrace, Davie, FL 33330-1169



LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

Lot 22, Block 1 Sequoia Estates, an unrecorded plat

ACREAGE:

1

REQUEST:

Waiver of provisions of section 12-33(9)(a) relative to guest houses and to increase the size of a guest house from 400 sq. ft. to 967.19 sq. ft.

REASON FOR REQUEST: (attach additional sheet as necessary)

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY
APPROVED AS TO FORM: OK PUBLICATION DATE: 3/31/99
MEETING DATE: PLANNING AND ZONING BOARD: 4/14/99 TOWN COUNCIL: 5/5
NOTICES SENT: 23 REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

LORI PARRISH
OWNER'S NAME(S)
X Lori Parrish
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
2701 SW 141 TERR
ADDRESS
DAVE, FL 33330-1169
CITY, STATE, ZIP
(954) 236-5537
PHONE

The foregoing instrument was acknowledged before me
this 8th day of March, 1998, by
Lori Parrish who is personally
known to me or who has produced

~~as identification~~ and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]

Print: Howard J. Zimmerman

My Commission Expires:

OFFICIAL NOTARY SEAL
HOWARD J. ZIMMERMAN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC710022
MY COMMISSION EXP. JAN. 22, 2002

LORI PARRISH
PETITIONER'S NAME
X Lori Parrish
PETITIONER'S SIGNATURE
2701 SW 141 TERR
ADDRESS
DAVE, FL 33330-1169
CITY, STATE, ZIP
(954) 236-5537
PHONE

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COMMISSION NO. CC710022
MY COMMISSION EXP. JAN. 22, 2002

OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:
04/14/99 - denial



Request for Variance
Lori Parrish Residence

There are special circumstances that apply to our property, which circumstance and conditions are peculiar to this property and do not generally apply to other similar property. This circumstance is the fact that the structure we wish to utilize as a guest home for our family is existing. We do not propose to construct any new facilities. The variance requested is two fold:

First, to permit the square footage to exceed the 400 square foot limitation.

Second, permission is requested to allow for the installation of cooking and washing facilities.

The strict application of the provision of the code would deprive us of the use of a substantial portion of the existing structure.

We variance request is the minimum necessary in order to utilize the existing structure. No additional structure is being requested.

The granting of the variance will be in harmony with the general purpose of the code and will not be injurious to the neighborhood in that the structure presently exists and was utilized as a garage. If granted the structure will be renovated to take on the appearance of a residence.

The hardship is not self-created in that we purchased the property as it presently exists and did not create the structure in question.

We variance if granted will not be detrimental to the public welfare and I have submitted letters from my neighbors acknowledging consent to this requested variance.

LEGEND OF SURVEY ABBREVIATIONS

A ... AND POSSIBLE
 C ... CALCULATED
 CL ... CLASH
 ENC ... ENCROACHMENT
 FIP ... FINE LINE
 JPL ... JURY LINE
 PL ... PLAT
 UP ... UTILITY

CON ... CONCRETE
 FUL ... FULL
 PFC ... PARTIAL
 BNC ... BOUNDARY
 CL ... CLASH
 FIP ... FINE LINE
 JPL ... JURY LINE
 PL ... PLAT
 UP ... UTILITY

CON ... CONCRETE
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 PFC ... PARTIAL
 BNC ... BOUNDARY
 CL ... CLASH
 FIP ... FINE LINE
 JPL ... JURY LINE
 PL ... PLAT
 UP ... UTILITY

SHEET 1 OF 2

FLOOD ZONE AM
 THIS IS A FLOOD
 HAZARD ZONE
 THIS IS NOT A FLOOD
 HAZARD ZONE
 PANEL NO. 285/F
 COMMUNITY # 120035
 DATE OF FIRM 08/18/1992
 BASE FLOOD ELEV.
 FIRM FLOOD ELEV.
 LOWEST CERT
 ADJ. GRADE

RECEIVED
 APR 10 1999
 TOWN OF DAVIE
 PLANNING & ZONING DEPARTMENT

CERTIFY TO:

Geoffrey D. Cohen & Lori Nance Parrish
 Harvey K. Mastel, Esquire
 Attorneys' Title Insurance Fund, Inc.
 First Union Mortgage Corporation, its Successors And/Or Assigns As Their Interests May Appear

LEGAL DESCRIPTION:

Lot: SEE LEGAL

Block:

Subdivision:

According to the Plat thereof as recorded in

Plat Book: Page:

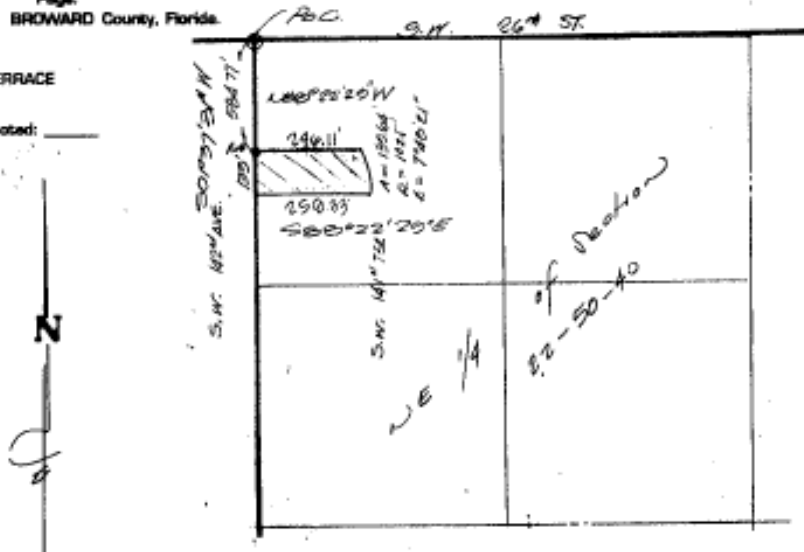
Public Records of BROWARD County, Florida.

ADDRESS:

2701 SW 141 TERRACE
 DAVIE, FL 33330

Encroachments Noted:

LOCATION SKETCH
 SCALE NTS



LEGAL DESCRIPTION:

LOT 22, BLOCK 1, SEQUOIA ESTATES, AN UNRECORDED PLAT, A PORTION OF THE
 NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4), OF
 SECTION 22, TOWNSHIP 50 SOUTH, RANGE 40 EAST, MORE FULLY DESCRIBED AS
 FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER
 (NE 1/4) OF SAID SECTION 22; THENCE SOUTH 1 DEGREE 37'31" WEST ALONG THE
 WEST LINE OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 22 AT A
 DISTANCE OF 584.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING
 SOUTH 1 DEGREE 37'31" WEST ALONG SAID WEST LINE AT A DISTANCE OF 139 FEET;
 THENCE SOUTH 88 DEGREES 22'29" EAST AT A DISTANCE OF 258.33 FEET TO A POINT
 ON A CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WHOSE
 TANGENT BEARS NORTH 0 DEGREES 30'21" EAST WITH A RADIUS OF 1025 FEET AND A
 CENTRAL ANGLE OF 7 DEGREES 48'23", AN ARC DISTANCE OF 139.64 FEET; THENCE
 NORTH 88 DEGREES 22'29" WEST AT A DISTANCE OF 246.11 FEET TO THE POINT OF
 BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE,
 BROWARD COUNTY, FLORIDA.

NOTES:

1. All easements and/or encroachments shown herein are of apparent nature. Their ownership is not shown. Legal ownership of same not determined.
2. The basis of this survey is only for the estate and specific use of those persons, parties or institutions shown in the certificate. Any other intended use will require further approval from the surveying authority or firm.
3. Code restrictions and use survey are not reflected on this survey.
4. The field information shown herein does not imply that the referenced property will or will not be free from flooding or damage and does not cross liability on the part of the firm, any officer or employee thereof for any damage that results from reliance on said information.
5. The lands depicted herein were surveyed per the legal description and no claims are to ownership or nature of title are made or implied.
6. Underground Encroachments, if any, not located. I hereby certify that the survey represented herein meets the minimum technical standards set forth by the Board of Land Surveyors in Chapter 61001-14 Florida Administrative Code pursuant to Board 610-037 Final Ordinance.

[Signature]
 JAMES A. KELLY, P.E. & S.M. 840255
 STATE OF FLORIDA

NOT VALID UNLESS SIGNED WITH AN EXEMPTED SURVEYOR'S SEAL

1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN (BY PLAT).
2. IF SHOWN, ELEVATIONS ARE REFERRED TO M.S.L. 1985.
3. THIS IS A BOUNDARY SURVEY.

THOMAS J. KELLY, INC.

LD #6486

SURVEYORS-MAPPERS-LAND PLANNERS

330 PALERMO AVENUE CORAL GABLES, FLORIDA 33134
 (305) 444-7692 DAVE (305) 779-3200 BRVD (305) 444-6494 FAX

DATE FIELD WORK	SCALE	SURVEY NO.
12/10/1997	1" = NTS	87-3424

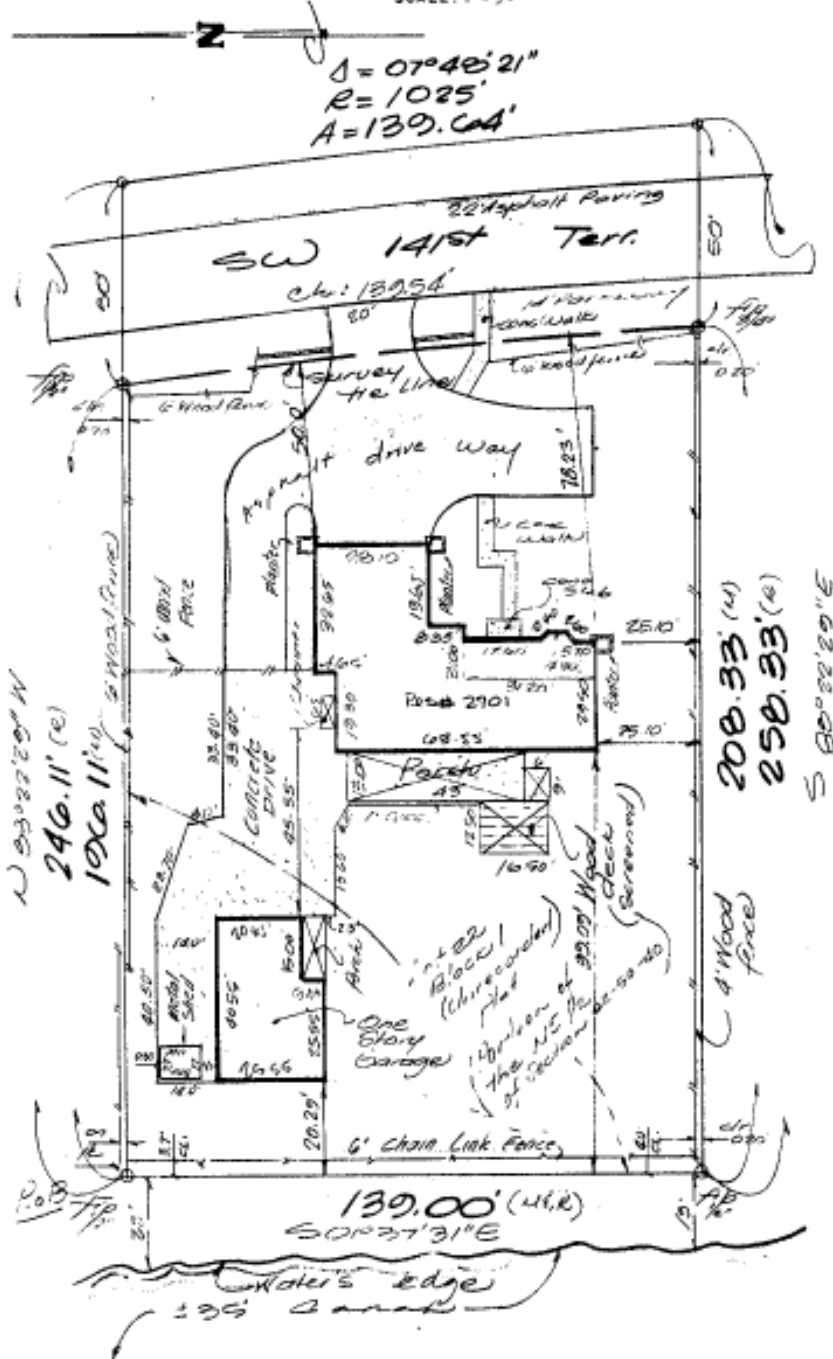
333 Palermo Avenue
CORAL GABLES, FLA. 33134
SALE: (305) 444-1692
SPEAK: (305) 779-3288
FAX: (305) 441-8454

THOMAS J. KELLY, INC.
LAND SURVEYOR

SURVEY NO. 97-3424
SHEET 2 OF 2

SKETCH OF SURVEY

SCALE: 1" = 50'



The following letter(s) were received by the Town Clerk's Office in response to the notice of rezoning. Since the authors of the letter(s) are not subject to cross-examination with respect to the contents, the letters should be treated as hearsay evidence only. In accordance with the Town's procedures with respect to quasi-judicial hearings, hearsay evidence may be used for the purposes of supplementing or explaining other evidence. Hearsay evidence including the following attached letters are not sufficient to support a finding. If there is no evidence presented at the hearing which is supplemented or explained by the following letters, then the letters should be disregarded with respect to your consideration of the application. Your determination must be based upon substantial competent evidence.

February 15, 1999

Tim Lewis
2691 SW 141st Terrace
Davie, Fl. 33330



To the City of Davie and whom it may concern:

This letter is to notify you that I, Tim Lewis of 2691 SW 141st Terrace, Davie, Fl. 33330 have **no objection** to Laurie Parish and Jeff Cohen converting their rear garage into a residential apartment.

Laurie Parish and Jeff Cohen live at 2701 SW 141st Terrace Davie, Fl. 33330 and are my immediate next door neighbours.

If you require any further verification, please feel free to contact me during Weekends and evenings at home (954) 472-8695 or at work during a week day (305) 380-4766.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Tim Lewis".

Tim Lewis

Mr. & Mrs. Larry Gibbs
2751 SW 141 Terrace
Davie, Fl. 33330

January 19, 1979

Town Council
Town of Davie
6591 Orange Drive
Davie, Fl. 33314

RECEIVED
MAR 10 1979

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

To whom it may concern:

Please be advised that, as the next-door neighbors of Lori Parrish and Geoff Cohen, we strongly and wholeheartedly endorse their wish to change their second garage into an in-laws' quarters.

In fact, we believe that this will enhance their home and, thus, our neighborhood. We view this as a positive step forward for the Sequoia Estates community, and we welcome their commitment to improvement.

We hope that you will support their request as much as we do.
Thank you.

Sincerely,

Larry Gibbs

(Mr.) Larry Gibbs

Patsy Gibbs

(Mrs.) Patsy Gibbs

R-1

S.W. 142nd Ave.

58

57

S.W. 26th St.

25

1

2

3

4

5

Block 1

S.W. 26th Ct.

24

1

2

3

4

Sequoia Estates
(Unrec.)

14

13

5

S.W. 27th Ct.

23

22

21

11

Block 2

12

6

20

10

9

8

7

R-1

19

S.W. 28th Ct.

18

17

SUBJECT SITE

A-1

S.W. 142nd Ave. (Boyscout Rd.)

S.W. 141st Terr.

PETITION NUMBER

V 3-4-99

N



PREPARED 3/18/99
BY THE PLANNING &
ZONING DIVISION

Scale: 1"= 200'